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17 *Attorneys for Defendant*
18 *MD Labs, Inc.*

19 UNITED STATES DISTRICT COURT
20 DISTRICT OF NEVADA

21 BOSTON HEART DIAGNOSTICS
22 CORPORATION,

Case No.: 3:18-cv-00006-RCJ-WGC

23 Plaintiff,

24 v.

25 MD LABS, INC.,

26 Defendant.

27 **ORDER GRANTING**
28 **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO THE**
COMPLAINT

On August 1, 2017, Boston Heart Diagnostics Corporation (“BHDx”) sued MD Labs. Inc. in the District of Connecticut for patent infringement. Under 28 U.S.C. § 1400(b), venue for patent cases is appropriate “in the judicial district where the defendant resides, or where the

1 defendant has committed acts of infringement and has a regular and established place of
2 business.” In May of 2017, the Supreme Court held that under § 1400(b), “a domestic
3 corporation ‘resides’ only in its State of incorporation for purposes of the patent venue statute.”
4 *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514, 1517 (2017). Defendant MD
5 Labs is incorporated in Nevada and does not have any regular and established place of business in
6 Connecticut. Therefore, MD Labs informed BHDx that it would move to dismiss the complaint
7 for improper venue if BHDx did not move to transfer the case to the District of Nevada. BHDx
8 agreed and filed a motion to transfer, which the Connecticut court granted.

9 In light of the transfer and opening of this case in Nevada, MD Labs has
10 requested an extension until February 20, 2018 to file its response to the complaint. BHDx has
11 agreed to this extension. No schedule has been set in this matter, and therefore this extension will
12 not interfere with any scheduled dates.

13 Wherefore, MD Labs respectfully requests that this Court grant the requested extension
14 and order that MD Labs’ response to the complaint is due on February 20, 2018.

15 DATED: January 18, 2018. PARSONS BEHLE & LATIMER

16 /s/ Robert W. DeLong

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Attorneys for Defendant
MD Labs, Inc.

IT IS SO ORDERED.

DATED: January 19, 2018



UNITED STATES MAGISTRATE JUDGE